

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

GENZYME CORPORATION,
Petitioner

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners

U.S. Patent No. 6,331,415
Appl. No. 07/205,419, filed June 10, 1988
Issued: Dec. 18, 2001

Title: Methods of Producing Immunoglobulins, Vectors
and Transformed Host Cells for Use Therein

IPR Trial No.

IPR2016-00460

**PETITIONER'S MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c), AND
37 C.F.R. § 42.22 AND § 42.122(b)**

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TABLE OF CONTENTS

	Page
I. STATEMENT OF PRECISE RELIEF REQUESTED	1
II. STATEMENT OF MATERIAL FACTS	2
III. STATEMENT OF REASONS FOR RELIEF REQUESTED	3
A. Reasons Why Joinder is Appropriate	4
1. Substantively Identical Petitions.....	5
2. Consolidated Filings and Discovery	6
B. No New Grounds of Unpatentability	7
C. No Impact on IPR Trial Schedule	7
D. Briefing and Discovery Will Be Simplified.....	7
E. No Prejudice if Proceedings are Joined	8
IV. PROPOSED ORDER	8
V. CONCLUSION.....	10

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Amneal Pharma., Inc. v. Yeda Res. and Dev. Co., Ltd.</i> , IPR2015-01976	2
<i>Dell, Inc. v. Network-1 Security Solutions, Inc.</i> , Case IPR2013-00385	4
<i>Kyocera Corp. et al. v. Softview LLC</i> , IPR2013-00004	1
<i>Motorola Mobility LLC v. Softview LLC</i> , IPR2013-00256	2, 7

Statutes

35 U.S.C. § 315(b)	2
35 U.S.C. § 315(c)	1, 3, 4
35 U.S.C. § 316(b)	5
Leahy-Smith America Invents Act	3

Other Authorities

37 C.F.R. § 42.1(b)	5
37 C.F.R. § 42.22	1, 2, 3
37 C.F.R. § 42.122(a).....	3
37 C.F.R. § 42.122(b)	1, 2, 3
157 CONG. REC. S1376 (daily ed. Mar. 8, 2011).....	5

I. STATEMENT OF PRECISE RELIEF REQUESTED

Genzyme Corporation (“Genzyme”) filed the present petition for *inter partes* review IPR2016-00460 (the “Genzyme IPR”) and respectfully submits this Motion for Joinder. Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Genzyme requests institution of an *inter partes* review and joinder with the *inter partes* review concerning the same patent in *Sanofi-Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc. v. Genentech and City of Hope*, which is assigned Case No. IPR2015-01624, (the “Sanofi-Aventis IPR”), which was instituted on February 5, 2016.

In accordance with the Board’s Representative Order identifying matters to be addressed in a motion for joinder (*Kyocera Corp. et al. v. Softview LLC*, Paper No. 15, IPR2013-00004, April 24, 2013), Genzyme submits that: (1) joinder is appropriate because it will promote efficient determination of the validity of the challenged patent, U.S. Patent No. 6,331,415 (the “’415 patent”) without prejudice to the prior petitioners, Sanofi-Aventis U.S. LLC (“Sanofi-Aventis”) or Regeneron Pharmaceuticals, Inc. (“Regeneron”), or to the owners of the challenged ’415 patent, Genentech Inc. (“Genentech”) and City of Hope (collectively “Patent Owners”); (2) Genzyme’s Petition raises the same grounds of unpatentability over the same prior art as the Sanofi-Aventis IPR; (3) joinder would not affect the pending schedule in the Sanofi-Aventis IPR nor increase the complexity of that proceeding, thereby

minimizing costs; and (4) Genzyme is willing to agree to consolidated filings with Sanofi-Aventis and Regeneron to minimize the burden and the impact on the schedule. *See, e.g., Motorola Mobility LLC v. Softview LLC*, Paper No. 10, IPR2013-00256, June 20, 2013, and *Amneal Pharma., Inc. v. Yeda Res. and Dev. Co., Ltd.*, Paper No. 9, IPR2015-01976 (granting motions for joinder under similar circumstances).

This Motion for Joinder is timely filed under 37 C.F.R. §§ 42.22 and 42.122(b), as it is filed less than one month after the Sanofi-Aventis IPR was instituted.

II. STATEMENT OF MATERIAL FACTS

The Sanofi-Aventis IPR and the Genzyme IPR both request institution on the '415 patent. Patent Owners have not asserted the '415 patent against any petitioning party in either IPR. Thus, the Sanofi-Aventis IPR and the Genzyme IPR were timely filed under 35 U.S.C. § 315(b).¹

¹ Genzyme also filed IPR2016-00383 on December 30, 2015, in connection with the '415 patent. IPR2016-00383 is based on different prior art and different arguments supported by a different expert and a different expert declaration than in the Sanofi IPR and the instant Genzyme IPR. IPR2016-00383 is not part of the instant request for joinder.

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